


OCT 11 2006

| | | |
|--|---|---|
| FAX COVER SHEET | |  |
| <u>PLEASE CONFIRM RECEIPT OF THIS FACSIMILE</u> | | |
| Attention: | MAIL STOP APPEAL BRIEF - PATENTS Group Art Unit: 2612 Examiner: LU, Shirley | Fax: (571) 273-8300 |
| UNITED STATES PATENT AND TRADEMARK OFFICE | | Phone: (571) 272-8546 |
| Pages: | Cover + 2 + 1 = 4 | Date: October 11, 2006 |
| From: | Georgann S. Grunebach | Fax: (310) 964-0941 |
| | Assistant General Counsel | Phone: (310) 964-4615 |

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence identified below is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.C. Box 1450, Alexandria, VA 22313-1450, on October 11, 2006


Georgann S. Grunebach, Reg. No. 33,179
Telephone No. (310) 964-4615 (Printed Name of Person Signing Certificate)

October 11, 2006
(Date of Signature)

Attention: Commissioner for Patents

Attorney Docket No. PD-201169

Please find attached Re:

Serial No.: 10/010,486

Filing Date: December 7, 2001

- NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES PTO/SB/31 (1 page in duplicate)

PLEASE CONFIRM RECEIPT OF THIS FACSIMILE

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

RECEIVED
CENTRAL FAX CENTER

002/003

OCT 11 2006

PTO/SB/31 (07-08)

Approved for use through 09/30/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

PD-201169

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on October 11, 2006

Signature

Typed or printed name

Georgann S. Grunebach

In re Application of

William Frantz

Application Number

10/010,486

Filed

December 7, 2001

For SYSTEM, METHOD AND APPARATUS TO DELIVER
GUARANTEED ADVERTISING

Art Unit

2612

Examiner

LU, Shirley

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0383. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34, 33,179

Georgann S. Grunebach

Typed or printed name

310-964-4615

Telephone number

October 11, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/12/2006 TLO111 00000024 500383 10010486
01 FC:1401 500.00 DA